

Indiana Law Enforcement Academy
 Basic Report Writing Course
General Grading Criteria
Written Final Exam

-4/14/20
82%

Procedure:

1. Watch the prescribed video. Details in the video must be reported accurately. Officers must also use the information from their witness statements, and other supplemental info given to them by the instructor.
2. Write a PC narrative AND a DUI Affidavit for the Lester DUI case that includes at least 18 of the maximum 24 points below.

Maximum points for each grading criteria:**Points**

1	1.	A detailed description of the suspect (3-4 identifiers, and link to crime).
1	2.	A numbered list showing supplemental documentation (attachments).
1	3.	A detailed description of the vehicle including year, make, model, license plate or VIN number.
1	4.	A clear explanation of how the suspect vehicle was linked to the crime (Is it clear that the suspect was OPERATING the motor vehicle) <ul style="list-style-type: none"> • Was the vehicle running? • Was the vehicle in motion? • Was the suspect behind the wheel? • Was the suspect operating the vehicle? <ul style="list-style-type: none"> ◦ Did you see this? ◦ Did someone else see this? • Was there anyone else in the vehicle? • Did you ever lose sight of the vehicle?
N/A	5.	A <u>legal</u> justification for the use of force during the arrest, as well as a detailed description of that use of force.
2	6.	Legal justification for searching AND seizing evidence on suspect and from inside the vehicle (Did you establish probable cause before seizing breath sample (or blood or urine) under the Implied Consent law?)
2	7.	A good documentation of the Implied Consent procedure <ul style="list-style-type: none"> • Did you advise the suspect of the Implied Consent law? • Was it read from a card or pre-printed sheet? • Did the suspect agree to take a chemical test? <ul style="list-style-type: none"> ◦ If so, how did they agree? ◦ If not, how did they refuse?
4	8.	Document the facts that satisfy <u>ALL</u> the elements of the crime(s) for which you are charging.

#1 – OVWH / OVWI

- Person
- Operates
- Vehicle
- While Intoxicated OR While having a BAC of .08 or greater

#2 – Driving While Suspended

- Person
- Operates

-2
No prelim

EXHIBIT

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EXHIBIT V

- Vehicle
- While having a suspended license

4 9. Good detail on ALL aspects of the follow-up investigation. Facts including:

- Chemical test procedure and results?
- Arrest / search?
- Driver's license seizure and receipt?
- Miranda / Post arrest interview?
- Vehicle impound & Inventory?
- Driver's license history review (OWI prior conviction, suspended status on driver's license)?
- Victim / witness statements taken?
- Other officers' supplemental reports collected and attached?

4 10. **General Writing Techniques** (plus and minus categories):
- 1/2 Times
Good areas – Understandable language used, focused on important issues, relevant matters emphasized, made visual, medium or short paragraphs, logical progression, accurate timeline, etc.
Bad areas – Use of run-on sentences or paragraphs; use of "Officious" language, acronyms, abbreviations, police jargon, Ten Codes, legalese, etc.; mistakes in grammar, punctuation or spelling; omission of important Who, What, Where, When, Why and How information; Timeline or factual errors from video; Using all CAPS, using first name only, failure to proofread.

1 11. Format: Predication or Preamble used (Lead-In sentence)
1 12. Format: Headings / subheadings used in Case Report
1 13. Format: PC Affidavit sworn and signed
2 14. Format: Completed/signed standardized OWI PC affidavit

25 Points Possible

Minimum score: 18 of 24 points (75%)

Session 2 25 et seq.

Time 2
Where is the preliminary part of
your narrative?

The conclusions of the HGN test are as follows. There are a total of 6 possible clues that can indicate that a person is impaired by alcohol. The test requires a minimum of 4 clues be observed, in determining if someone is impaired by alcohol. Based on Lester's performance of the test, all 6 clues were observed, indicating impairment by alcohol.

list them here

Time 7
Walk and Turn

I explained and demonstrated the Walk and Turn Test for Lester and asked him if he understood the test. Lester stated he did. I then asked Lester to perform the test. Lester performed the test. During the test, Lester demonstrated 2 of the 8 clues to indicate impairment by alcohol. Lester raised his arms side to side while walking, and stopped walking during the test to steady himself. Lester failed the Walk and Turn Test with 2 clues. *demonstrate*

Time 7
One Leg Stand

I explained and demonstrated the One Leg Stand test to Lester and asked if he understood the test. Lester stated he did. I asked Lester to begin the test. Lester performed the test. Lester demonstrated two clues during this test. There are 4 total clues. Lester swayed from side to side and put his foot down twice. Lester failed this test with two clues. *demonstrate*

Arrest

I explained to Lester I was placing him under arrest for Operating While Intoxicated and placed him in handcuffs. The time of the arrest was 11:20 PM. I asked him if the handcuffs were too tight. He stated no. I checked them for tightness and double-locked them. I conducted a search of Lester and found only his wallet and a cell phone on him. I located no contraband or weapons on Lester. I placed Lester in the passenger seat of my patrol vehicle. I contacted dispatch and requested a Lyons Towing Company come to the scene to impound his vehicle.

Time 7
Implied Consent

I then read Lester my Implied Consent card, and requested he submit to a certified breath test. Lester agreed to submit to the test. I also read Lester my Miranda Warnings card in the event that he wanted to speak about anything. *witnesses?*

Time 7
Disposition of Vehicle and Contents

I conducted an inventory of Lester's vehicle while waiting for Lyons Towing to arrive, following Argos Police Department Standard Operating Procedures. Lyons arrived and impounded Lester's vehicle. Lester's vehicle will be housed at Lyons and is not being held for any further investigation. *when?*

Final Disposition

Myself and Officer Johnson transported Lester to the Marshall County Jail. Lester did not speak on the way to the jail. At the jail, Certified Operator Joseph Friday administered a certified breath test to Lester. Lester completed the test at 12:25 AM on April 12, 2022 (approximately 1 hour and 25 minutes after initial contact. Lester's results indicated a 0.128g/210L of alcohol.

Once the test was completed, Lester was transferred to the Marshall County Jail, and turned over to jail staff. Lester was charged with Operating While Intoxicated (OWI) Prior due to his prior OWI from Hendricks County in November 2017.

Officer Avery Johnson was present and assisted in this entire investigation.

Attachments?

EXHIBIT V

State Form 44213 (R6 / 10-10)

STATE OF INDIANA IN THE _____

Superior

COURT COUNTY OF _____

Marshall

ss:

State of Indiana
vs.

) COURT CAUSE NUMBER _____ AGENCY CASE NUMBER 2022-035

Lester, Dee M

AFFIDAVIT FOR PROBABLE CAUSE

I, Gary Spratt, a law enforcement officer with the (agency) Argos Police Department, affirms that on (date) 04 / 11 / 2022, at approximately 11:00 am pm the accused, (first name) Dee (middle initial) M (last name) Lester, a Male, Female, (d/o/b) 08 / 30 / 1986, (DL number or last four digits of SSN) 0002-00-0002, (license type) Drivers, was observed in (location) US 31 and the 300 Block of 16th Road. In Argos. (county) Marshall, Indiana operating a (vehicle description, include CMV and Hazmat Indicator): White 2014 Kia Sorento with a VIN: SK123GHK897T897636 under the following circumstances.

I. PRELIMINARY OBSERVATION/REASON FOR STOP (check all that apply)

I observed the accused operate a vehicle in my presence and view.
 Officer Avery Johnson observed the accused operate a vehicle.
 I had reason to believe the accused operated the vehicle because: I stopped the vehicle after it committed traffic violations, and found the accused driving the vehicle.
 The accused committed the following violation(s): Crossing left of center without use of turn signal; No License Plate
 Passenger under age 18 pursuant to IC 9-30-5-3(2)
 Other:

Crash Involved: Yes No Crash involved Local Crash Number: N/A Time of Crash: N/A am pm
 The accused admitted to being the driver involved in the crash.
 The result of the accused driving resulted in: serious bodily injury fatality
Name(s) of person(s) injured: N/A

II. OBSERVATIONS

I had reason to believe the accused was INTOXICATED because I observed the following:

<input checked="" type="checkbox"/> Odor of alcoholic beverage	<input type="checkbox"/> Left vehicle in gear	<input checked="" type="checkbox"/> HGN	<input type="checkbox"/> Passed	<input checked="" type="checkbox"/> Failed
<input type="checkbox"/> Alcohol beverage containers in view	<input type="checkbox"/> Failed to shut off vehicle	<input checked="" type="checkbox"/> Walk and Turn	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Speech was Slow	<input type="checkbox"/> Could not open door	<input checked="" type="checkbox"/> One Leg Stand	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Eyes were	<input type="checkbox"/> Pulled self from vehicle	<input type="checkbox"/> Rhomberg Balance	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Manual dexterity	<input checked="" type="checkbox"/> Staggered from vehicle	<input type="checkbox"/> P.B.T./Alco-sensor 0. _____ gram of alcohol per 210 liters of breath		
<input type="checkbox"/> Abusive attitude	<input type="checkbox"/> Leaned against vehicle	DRE: Conclusion: _____ Performed by: _____		
<input checked="" type="checkbox"/> Balance was Unsteady				
<input type="checkbox"/> Soiled/disorderly clothing				
<input type="checkbox"/> Other observations/test:				

III. CHEMICAL TEST

I advised the accused of the Implied Consent Law and the accused: submitted to, or refused a chemical test results are pending
 I was unable to offer a chemical test to the accused because such person was: unconscious injured
 Joseph Friday, a certified chemical test operator, determined from a chemical test that the accused had an alcohol concentration equivalent to 128 gram of alcohol per 210 liters of breath. The chemical test was administered at (location) Marshall County Sheriff's Department at 12:23 am pm using certified instrument number 01087000
 I was told by _____ the result of the chemical test was an alcohol concentration equivalent to 0. _____ gram of alcohol per 100 milliliters of blood. Such test was administered by drawing or taking a sample of whole blood at _____ am pm. Drawn by: _____
 I was told by (name) _____ the result of the chemical test determined that the accused had in his/her body a controlled substance, a controlled substance metabolite, or a drug, to wit _____ Such test was administered by drawing or taking a sample of: blood, urine, other _____ at (location) _____ at (time) _____ am pm.
Drawn by: _____

IV. WITNESS INFORMATION (Only Print Witness Information on Officer and Prosecutor Copy.)

1. Name Officer Avery Johnson Address 125 W Walnut Street. Argos, IN 46501 TX Number (574) 123-4567
2. Name _____ Address _____ TX Number _____

V. PREVIOUS INDIANA AND OUT OF STATE CONVICTION(S)

1. Offense, Court Information, Conviction Date and Court Cause/Case number. DUI, Hendricks County, 11/2017, Case# 2017-001
2. Offense, Court Information, Conviction Date and Court Cause/Case number.

THE ACCUSED COMMITTED A VIOLATION OF IC 9-30-5, IC 14-15-8, or IC 31-37-19.

I AFFIRM PURSUANT TO IC 35-34-1-2.4 UNDER THE PENALTY OF PERJURY THAT THE FOREGOING FACTS ARE TRUE.

Signature of Affiant 	Date (month, day, year) <u>04/15/2022</u>	Print Name & Department <u>Argos Police Department</u>
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ORIGINAL TO PROSECUTOR/COURT 1st COPY TO BMV FROM COURT 2nd COPY FOR OFFICER

Bureau of Motor Vehicles Certificate

COURT CAUSE/CASE NUMBER: _____ AGENCY CASE NUMBER: 2022-035
Offense Date (month, day, year): 04 / 11 / 2022 Time: 11:00 am pm (DL number or last four digits of SSN) 0002-00-0002

Driver License Type: Drivers Driver License State: Indiana

Full Name: (First) Dee (Middle Initial) M (Last) Lester

Date of Birth: 08 / 30 / 1986 Gender: Male Weight: 185 Height: 6'1" Eye Color: Brown Hair Color: Brown Race: White

Address (number and street, city, state, and ZIP code): 378 Florence Street. Plainfield, IN

Vehicle Type: Passenger CMV Hazmat Other:

The above Motorist: Refused Failed Alcohol Test 0. 128 BAC Drugs: Yes No Pending Results of Alcohol or Drug Test(s)

PROBABLE CAUSE FOUND THAT DEFENDANT VIOLATED IC 9-30-5 or IC 14-15-8 and charges are pending. THE COURT RECOMMENDS

THAT THE BMV TAKE THE FOLLOWING ACTION ON DEFENDANT'S DRIVING PRIVILEGES:

Immediate Suspension Suspend upon notice from the Bureau of Motor Vehicles Court Ordered Ignition Interlock Device in Lieu of Suspension

Judge's Signature: _____ Date (month, day, year): _____ / _____ / _____

EXHIBIT V

Agency Case Number 2022-035

RECEIPT FOR LICENSE

Part of State Form 44213 (R6 / 10-10)

Instructions for Officer: In accordance with IC 9-30-6-7, the officer shall inform the person that refusing to submit to a chemical test will result in the suspension of the person's driving privileges. If a person refuses to submit to a chemical test after having been advised that the refusal will result in the suspension of driving privileges or submits to a chemical test that results in prima facie evidence of intoxication, the arresting officer shall obtain the person's driver's license or permit if the person is in possession of the document and issue a receipt valid until the initial hearing of the matter held under IC 35-33-7-1.

This receipt is issued pursuant to IC 9-30-6-7, and is valid until your driving privileges are suspended by the court or by the Bureau of Motor Vehicles. Notice of suspension will be sent to the last address you provided to the Bureau of Motor Vehicles. If your address is not current with the Bureau of Motor Vehicles, pursuant of IC 9-24-13-4, you must update your information with the Bureau of Motor Vehicles immediately.

YOU MUST BRING THIS RECEIPT FOR LICENSE WITH YOU TO COURT.

Date of Arrest (month, day, year): 04 / 11 / 2022 Time: 11:20 AM PM

Charges: OWI Prior Agency ORI: _____

Driver License Number: 0002-00-0002 Driver License Type: Drivers

Driver License State: Indiana

Date of Birth (month, day, year): 08 / 30 / 1986 Height: 6'1" Weight: 185

Eye Color: Brown Hair Color: Brown

Name: (First) Dee (Middle Initial) M (Last) Lester

Address (number and street, city, state, and ZIP code): 378 Florence Street. Plainfield, IN

Printed Signature of Officer: Gary Spratt Date (month, day, year): 04 / 12 / 2022

Law Enforcement Agency: Argos Police Department Badge Number: 48-3

EXHIBIT V

INCIDENT REPORT

Part of State Form 44213 (R6 / 10-10)

Agency Case Number 2022-035

Name: *(First)* Dee *(Middle Initial)* M *(Last)* Lester

Driver License Number/or last 4 digits of SSN: 0002-00-0002 Date of Birth *(month, day, year)*: 08 / 30 / 1986

Incident Date *(month, day, year)*: 04 / 11 / 2022 Incident time: 11:00 AM PM

Associated Traffic Tickets numbers: N/A

Narrative: _____

See Attached Narrative

EXHIBIT V

DRIVING BEHAVIOR DIAGRAM - Part of State Form 44213 (R6 / 10-10)

VEHICLE IN MOTION

Initial observations (TIME 23 : 00) White Kia
Sorento without a license plate light weaving across the center dividing line of the highway- US 31. The vehicle crossed the center line twice, and hit the fog line on the right side once.

Observation of stop I initiated my emergency lights on US 31. The vehicle did not stop and turned off onto 16th Rd. The vehicle disregarded a stop sign on the road. The vehicle stopped after approximately another 0.25 miles of travel.

PERSONAL CONTACT

Manual dexterity N/A

Observation of driver When I asked for license, registration, and insurance the driver handed me a VISA card.

Speech Slow Eyes None
Attitude Uninterested Smell Alcoholic Beverage
Balance Unsteady Containers in view None
Driver's voluntary statements Driver stated he had a couple of beers approximately 2-3 hours prior to the traffic stop.

INTERVIEW REGARDING PHYSICAL CONDITION

What kind of vehicle were you driving N/A

Glasses / Contacts / Eye conditions Nothing reported
Physical conditions No physical conditions reported

Physical injuries No injuries reported

Medications No medications reported

INTERVIEW REGARDING SUBSTANCE INTAKE

What have you had to drink? Beer
Brand Unknown Amount 2 Glasses

Where did you drink? Downtown
When did you start? 20 : 00 When did you finish? 21 : 00

Have you taken any illegal drugs? N/A
What? N/A
When did you take them? N/A

1 HORIZONTAL GAZE NYSTAGMUS INSTRUCTIONS

Are you wearing glasses or contacts?
 I'm going to check your eyes.
 Stand w/ your feet together, hands to your side.
 Follow the stimulus, w/ your eyes, but do not move your head.
 Focus on the stimulus until I tell you to stop.
 Hold stimulus 12 to 15 inches in front of nose just above eye level.
 Equal pupil size and tracking (if not, NO TEST)
 Check for resting nystagmus (NOT A CLUE)

HORIZONTAL GAZE NYSTAGMUS CLUES

CLUES
Lack of smooth pursuit (approximately 2 seconds out / 2 seconds back)
Distinct and sustained nystagmus @ max. dev. (4 secs minimum @ MD)
Onset of nystagmus prior to 45 degrees
Check for Vertical Nystagmus (NOT A CLUE) SCORE 6

DECISION POINT: 4 CLUES / MAXIMUM # OF CLUES 6

2 WALK AND TURN INSTRUCTIONS

Place your left foot on the line (real or imaginary) and put your right heel against the toe of your left foot.
 Place your arms to your side.
 Maintain this position and do not do anything until I tell you to start.
DO YOU UNDERSTAND?
 When I tell you to start, take nine heel-to-toe steps along the line.
 On the ninth step, leave your front foot on the line and turn by using small steps with your back foot & take nine heel-to-toe steps back down the line.
 Keep your hands by your side, count your steps OUT LOUD, and keep looking at your feet.
 Once you start, do not stop until the test is completed.
 DO YOU UNDERSTAND?

WALK AND TURN CLUES

<input type="checkbox"/> Can't balance during instructions	<input type="checkbox"/> Starts too soon
<input checked="" type="checkbox"/> Stops while walking	<input type="checkbox"/> Misses heel to toe
<input type="checkbox"/> Steps off the line	<input checked="" type="checkbox"/> Uses arms to balance
<input type="checkbox"/> Turns improperly	<input type="checkbox"/> Wrong number of steps

DECISION POINT: 2 CLUES / MAXIMUM # OF CLUES 8 SCORE 2

3 ONE LEG STAND INSTRUCTIONS

Stand with your feet together.
 Keep your arms by your side.
 Maintain that position until told to do otherwise.
DO YOU UNDERSTAND?
 Keep both legs straight
 Raise one foot approximately 6 inches w/ foot parallel to ground
 Look down at your raised foot
 Count OUT LOUD (1001, 1002, 1003) until told to stop.

30 second timed test - DO NOT ADVISE SUBJECT OF TIMED TEST

ONE LEG STAND CLUES

Sways during test
 Uses arms to balance
 Hops
 Puts foot down

Score 2	<input type="checkbox"/> Stopped for safety reasons or could not perform test safely
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DECISION POINT: 2 CLUES / MAXIMUM # OF CLUES 4

4 PBT Result Mouth Checked at :

ALTERNATE TESTS

50 pounds overweight / 65 years of age or older / claimed injury

Alphabet D through R: N/A

Finger Count 1-2-3-4 / 4-3-2-1 each finger to thumb: N/A

Backward Count 96 to 66: N/A

Other: N/A